	UNITED	STATES	DISTRICT	COURT
FO	R THE D	ISTRICT	OF MASSA	CHUSETTS

FILED IN CLERKS OFFICE

2012 DEC 21 P 12: 07

U.S. DISTRICT COURT DISTRICT OF MASS.

	_)	
THE UNITED STATES OF AMERICA,		
et al ex rel. HAMILTON, KRUSZEWSKI,		
and DOE		•
)	
Plaintiffs,)	
)	No. 12-10321-RGS
v.)	
)	FILED UNDER
SANOFI S.A.		SEAL PURSUANT TO
)	31 U.S.C. § 3730
Defendant.)	

THE GOVERNMENT'S NOTICE OF ELECTION TO <u>DECLINE INTERVENTION</u>

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States notifies the Court of its decision not to intervene in this action. The United States has conferred with attorneys representing the named plaintiff States and the District of Columbia, which have indicated that they also decline to intervene in this action.*

Although the United States declines to intervene, it respectfully refers the Court to 31 U.S.C. § 3730(b)(1), which allows the relators to maintain the action in the name of the United States, providing, however, that the "action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting." *Id.*

^{*} The United States notes that, under Maryland law, if Maryland does not elect to intervene during the sealed period, "the court shall dismiss the action." Md. Code Ann., Health-Gen. § 2-604(a)(7). Accordingly, the attached proposed order states that all claims asserted on behalf of the State of Maryland should be dismissed without prejudice.

Therefore, the United States requests that, should either the relators or the defendant propose that this action be dismissed, settled, or otherwise discontinued, this Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. § 3730(c)(3), the United States requests that all documents filed in this action be served upon the United States; the United States also requests that orders issued by the Court be sent to the Government's counsel. The United States reserves its right to order any deposition transcripts; to intervene in this action, for good cause, at a later date; and to seek the dismissal of the relators' action or claims. The United States also requests that it be served with all notices of appeal. To the extent that the False Claims Act of any of the individual plaintiff States or the District of Columbia provide for continued service of pleadings or other documents upon counsel for the Plaintiff States, those States request that they continue to receive service of such documents.

Finally, the Government requests that the relators' complaint, this notice, and the attached proposed order be unsealed. The United States requests that all other papers on file in this action remain under seal because, in discussing the content and extent of the United States' investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

A proposed order accompanies this notice.

Dated: December 21, 2012

Respectfully submitted,

Stuart F. Delery Principal Deputy Assistant Attorney General

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CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the foregoing application for extension of time was served by first-class mail this 21st day of December, 2012 on the following:

Shanlon Wu

Julie A. Grohovsky

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Pursuant to 31 U.S.C. § 3730(b)(2), no service was made upon the defendants because this case is still under seal.

By

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ated: December 21, 2012